

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr220

UNITED STATES OF AMERICA

vs.

ALONZO LAMONT WITHERS

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se to amend the judgment to provide credit for jail time. (Doc. No. 25).

In the motion, the defendant seeks judicial review of the decision of the Bureau of Prisons not to award jail credit for time spent in custody on another offense. (Doc. No. 25: Motion at Exhibit D). The defendant asserts that he has exhausted all administrative remedies. (Id. at 3). However, a motion to amend the judgment in a criminal case is not the proper way to raise such a claim; it must be raised as a civil action under 28 U.S.C. § 2241 because the defendant is challenging the execution of his sentence. United States v. Little, 392 F.3d 679-80 (4th Cir. 2004).

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion to amend the judgment (Doc. No. 25) is DENIED without prejudice to be re-filed pursuant to 28 U.S.C. § 2241.

Signed: April 24, 2009



Robert J. Conrad, Jr.
Chief United States District Judge

